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The Attorney General Rests His Case

TAKING CARE OF THE LAW. By Griffin B. Bell with Ronald J. Ostrow. Morrow. 254 pp. \$13.50

By JON R. WALTZ

WHEN GRIFFIN BELL, a not particularly distinguished judge of the U.S. Court of Appeals for the deep-South Fifth Circuit, was proposed as attorney general by Jimmy Carter, a collective groan was heard in and out of the legal profession. It was supposed that the concept of an independent Justice Department, almost always honored in its breach, had suffered another wound. Bell was viewed as one more member of an intensely partisan "Georgia Mafia" (hardly; he had been politically immobilized on the bench for 15 years) and a personal crony of the new president ("crony" sounds worse than "friend"—it suggests someone to whom sensitive secrets are whispered during late-night poker sessions—but Bell was not even a close friend of Carter, let alone a confidant). Some thought him a racist, mainly because of affiliations with a couple of Atlanta clubs that honored long traditions of discrimination. (He resigned from them.) But when Bell stepped down after 2½ years as the nation's chief law enforcer, assessments of the man had mellowed. He had not been a spectacularly effective A.G., but neither had his predecessor, Edward Levi, who came to the Ford administration swathed in promising credentials. There was, however, a consensus that Griffin Bell had been a dedicated, honest, refreshingly straight-talking public servant who had struggled manfully to run an independent shop. He had earned respect if not sustained applause.

Now, as is the post-Potomac custom, Bell has written a book. It is not quite the book one would expect. Its title, drawn from our Constitution's requirement that the executive branch shall "take care that the laws be faithfully executed," might seem to promise an account of how, on a day-to-day basis, the Justice Department, headed by the A.G., implements the federal charter. That might have been both valuable and interesting, given Bell's candor and wit. What we get is neither the diary nor the memoir of an attorney general, although Bell's habit of posting a daily log of his comings and goings, down to and including trips across the street to the FBI gym, would have facilitated these standard approaches.

Instead, Bell has bound into a book a collection of his observations about some pet subjects, on which he vigorously exercises the autobiographer's undeniable right of self-justification. He writes in the almost poignantly fugi-

tive vein of the outsider who has come to the capital and gotten out again, his skin pretty much intact. If the result is not a treatise, neither is it a tract. It is simply a verbal volley of usually, but not always, well-aimed shots at a random array of targets, large and small.

The target of Bell's initial chapter will come as a surprise to those who agree with George Ball's comment in his recent memoirs that nothing a vice president says or does is ever important. In an opening section ostensibly devoted to explaining what went wrong with the Carter presidency summed up by the remark that "Jimmy was about as good a President as an engineer can be"—Bell sorely criticizes Vice President Walter Mondale's persistent meddling, from a White House power base, that undercut concerns viewed by Bell as exclusively those of the Justice Department. These interventions ranged from the handling of the *Bakke* case before the Supreme Court to the Santos Rodriguez police brutality case in Dallas with a detour, perhaps directed by other White House over-officiators, in aid of the snail darter. Mondale saw such cases as aspects of national policy, putting them within the White House's reach; Bell saw Mondale's intercessions as assaults on the Justice Department's independence, for which Bell was doing daily battle. Bell's recommendation: keep the vice president's office up on the Hill.

Bell's largest and slowest-moving target, predictably, is the federal bureaucracy. Its stultifying power appalled Bell no less than it has wave after wave of past temporary immigrants to the District of Columbia and he makes no bones about it. "If the Republic is to remain viable we must find ways to curb, and then to reduce, government by bureaucracy." One novel, if not naive, recommendation: disperse some of the larger agencies to Kansas, Oregon, and Texas, which, if nothing else, "would reduce the number of meetings that waste so much of government's time."

Bell has a keen eye for time-honored bureaucratic techniques for frustrating the efforts of publicly accountable officials. There will be readers of his book who recognize what Bell means by "flooding," "burying," and, assuredly, "leaking," together with the rule that the supervisor should be provided with travel proposals that will keep him conveniently out of the office for extended stretches of time.

Bell's excoriation of government by bureaucrat leads naturally to several chapters on overregulation as it applies to American business and to prospective public servants. His generally perceptive comments on the smothering proliferation of business regulations generated by an unhealthy "barony-protectorate" symbiosis between congressional subcommittees and the agencies they are supposed to oversee is blunted by his extended use of his own Senate confirmation hearings as an exam-

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Griffin B. Bell in 1977—Associated Press photo

ple of the second form of overregulation. Some people are not as disturbed as is Bell by the fact that "if you give those people a little bit, they keep after you until they find out everything."

Bell does not denigrate every kind of regulation. He is

justifiably proud of his efforts to impose reasonable regulations on intelligence and counter-intelligence activities, to the end that the CIA and the FBI will not be "the sole judges of their possible misdeeds." And Bell's detailed discussion of the results of his decision to press for the prosecution of spies, instead of discreetly shipping them home, makes for fascinating reading. The CIA and State howled but Bell's tough stance seems not to have compromised those agencies' legitimate interests.

The penultimate chapter of *Taking Care of the Law* describes, in a long, drawn-out whine, Bell's difficulties in dealing with segments of the Washington press corps. For all its petulance, it is engagingly instructional. Its overall tone is perhaps set, and its principal target is revealed, by Bell's concluding comment that "more has been said than Jack Anderson is worth."

Bell's book ends with a chapterful of recommendations for reforming government. Some, such as his suggested dispersal of almost the entire federal government throughout the country, seem simplistic; and it ought to be the job of ghostwriters and editors to delete from manuscripts such bursts of flatulence as "Leaders must resume leading"; others, such as his espousal of a single six-year term for presidents, make a good bit of sense. Only a few of them relate to the nitty-gritty of judicial administration and crime control but even these are informed by the author's broad view of government's right role in preserving America as a place fit to live in, now and in the future. □

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